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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,768	10/18/2001	Noriyuki Saito	MAT-8156US	1134

7590

07/11/2003

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EXAMINER

GHATT, DAVE A

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 07/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/889,768

Applicant(s)

SAITO ET AL.

Examiner

Dave A Ghatt

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-20 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,5 6) ☐ Other:

DETAILED ACTION

Claim Objections

1. Claims 7, 9, and 10 are objected to because of the following informalities:

In claim 7 line 2, it appears as though the applicant meant “wherein said second sheet cutting mechanism *is* installed”. It appears as though in lines 4-5, it appears as though the applicant meant, “Said printing sheet stored in said storage space *to* said printing section”.

In claim 7, it appears as though the last two lines, “said printing sheet is cut by said first sheet cutting mechanism and second sheet cutting mechanism,” is a double recitation of the last two lines of claim 6. The applicant should note that this same requirement is repeated in claim 15. Appropriate correction is required.

In claim 9, portions of lines 2-3 and 5-6 appear to be double recitations of claimed subject matter already recited in claim 6.

In claim 10, the requirement for the blade to have a “longer length than a width of said printing sheet” appears to be a double recitation of subject matter already recited in claim 9.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In claim 1 line 12, the applicant claims "a sheet cutting means disposed *below* said printing section." Lines 15-16 also state that the cutting blade is "located *below* said printing section." However, the specification does not appear to support this claimed subject matter. On page 4 line 22 of the written description indicates that the cutting means is *above* the printing section. The illustration in Figure 1 also appears to show the cutting means located above the printing section. As a result, the subject matter of claim 1 contradicts the disclosure. The applicant should note that in addressing claims 1-5, the examiner assumed that the applicant meant to claim the cutting means *above* the printing section.

Also, with respect to the blades moving "up" and "downwards" as recited in claims 4 and 5, the examiner is unclear as to the support for this claimed subject matter. From the written description and the drawings, it appears as though the blade moves back and forth or across, as opposed to "up" and "downwards" as claimed.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1-13 and 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hosomi et al. (US 5,833,380). With respect to claims 1, 6, as illustrated in Figure 5, Hosomi et al. teaches a printer with a main body and a storage space for storing printing sheet S. Hosomi et al. teaches the storage space disposed in the main body and having a top opening with a cover 8 installed at the top opening of the storage space, the cover can be freely opened and closed. Figure 5 also shows a sheet outlet port 15 formed between an opening end of the cover 8, and a storage space wall opposing thereto. (See also Column 5 lines 39-47). Figures 4 and 5 show a printing section (P, H) disposed below the sheet outlet port. Hosomi et al. further teaches a sheet cutting means (14, 9) disposed above the printing section wherein the sheet cutting means comprises a first cutting blade 14 disposed on the opening end of the cover located above the printing section and a second cutting blade 9 disposed on the main body portion opposing the first cutting blade 14, the first and second cutting blades cutting the printing sheet.

With respect to claim 2, as outlined in the abstract, the first blade 14 is a stationary blade, and the second blade 9 is a movable blade.

With respect to claims 3, 4, 10, and 18, as illustrated in Figure 8, Hosomi et al. teaches the movable blade 9 moving along the strip shaped stationary blade 14 during a cutting action, and a standby position of the movable blade 9 that is provided outside the stationary blade.

With respect to claims 5, 13, and 20, as outlined in column 6 lines 11-17, Hosomi et al. teaches a spring 19 to actuate the movable blade in a reverse direction to the side surface of the stationary blade.

With respect to claims 7, 16, and 17 as illustrated in Figure 8, Hosomi et al. teaches the second sheet cutting mechanism 9 installed opposing the first sheet cutting mechanism 14.

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Figure 4 illustrates the sheets stored in the storage space that flows into the printing section through a space between the main body and the cover.

With respect to claim 8, as illustrated in Figure 5, the first cutting mechanism 14 is disposed at an opening end of the cover 9.

With respect to claims 9 and 18, as illustrated in Figures 1-3, the fixed blade 14 has a length longer than the width of the printing paper.

With respect to claims 11, 12, and 19, as illustrated in Figure 8, the movable blade 9 is placed at a place separated from an end and side surface of the stationary blade 14, when the movable blade is in a standby position.

Allowable Subject Matter

6. Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 14 is indicated as including allowable subject matter because the prior art of record does not teach or render obvious the total combination claimed, including a printer wherein the main body further includes a slope, the slope disposed at a place opposing the standby position, and the movable blade is pushed to the slope by the spring mechanism, moves along the slope, and contacts the side surface of the stationary blade.

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Conclusion

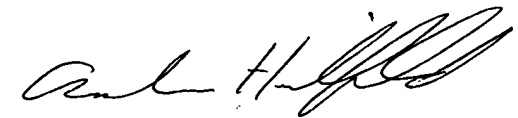
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The applicant's attention is invited to the patent to Greene (US 5,690,774 teaching the obviousness of using different types of cutting mechanisms, such as rotary dies, guillotine, and scissors types, in sheet handling apparatuses), Sato et al. (US 6,361,231 teaching a printer with a stationary cutting device in a cover and a moving cutting device in the base of the printer), and Bertalan et al. (US 6,155,731 teaching a printer with a stationary cutting device in a cover and a moving cutting device in the base of the printer).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave A Ghatt whose telephone number is (703) 308-2417. The examiner can normally be reached on Mondays through Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H Hirshfeld can be reached on (703) 305-6619. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3431.

DAG
June 26, 2003


ANDREW H. HIRSHFELD
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